

Application of Keith Vivian Alexander
Application No. 10/582,551
Confirmation No. 4738
Docket No. 0074-543464

REMARKS

No new matter has been introduced into this application by reason of the amendments presented hereinabove. It is respectfully requested that the foregoing amendments to the Claims be entered prior to the next examination of this application.

35 USC 102(b): Claims 1-3, 5-8, 13-15, 17-21, and 23

The Examiner rejected Claims 1-3, 5-8, 13-15, 17-21, and 23 under 35 USC 102(b) as being anticipated by US Patent No. 6,053,845 (Publicover). Claims 1-3, 5-8, 13-15, 21, and 23 have been cancelled. Therefore, the rejection is moot as to those claims. Claims 17-20 now depend from Claim 11 which was indicated to be allowable. As dependent claims, Claims 17-20 include all of the features of Claim 11, therefore those claims are allowable for at least the same reasons as Claim 11.

35 USC 112, First Paragraph: Claims 1-12, 23, and 24

The Examiner rejected Claims 1-12, 23, and 24 under 35 USC 112, first paragraph. In making the rejection the Examiner asserted that the expressions in parentheses in Claims 1, 9, 11, and 23 do not have written support in the specification. Claims 9 and 11 have been amended to delete the expressions in parentheses. Accordingly, it is believed that Claims 9 and 11 are in condition for allowance. The rejection is moot as to Claims 1 and 23 in view of the cancellation of those claims.

Formal Objections to the Claims

The Examiner objected to the form of Claim 10 because the claim recites an improper

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dependency. Claim 10 has been amended to refer to Claim 9. Thus, it is believed that Claim 10 is now in proper form.

35 USC 103(a): Claims 4, 10, 16, and 22

The Examiner rejected Claims 4, 10, 16, and 22 under 35 USC 103(a) as being unpatentable over Publicover in combination with US Patent No. 6,319,174 (Alexander). This rejection is moot in view of the cancellation of Claims 4, 16, and 22.

In so far as the rejection is applied to Claim 10, it is not understood. Claim 10 depends from Claim 9. Even though Claim 10 as previously presented referred to Claim 10, the Examiner stated that Claim 10 was examined as if it depends from Claim 9. However, Claim 9 was indicated as being allowable over the references of record in this application. Since Claim 10 depends from Claim 9, Claim 10 necessarily includes all of the features of Claim 9. Therefore, Claim 10 is allowable over the cited references for at least the same reasons as Claim 9.

Additional Remarks

In the Official Action the Examiner indicated that Claim 9 was objected to as being dependent from a rejected base claim. For the record, the Applicant notes that Claim 9 is and has been an independent claim in this application. A true and correct copy of the USPTO Claims Worksheet (Form PTO-2022) for this application is attached. The worksheet confirms that Claim 9 was filed as an independent claim. None of the amendments filed in this application changed Claim 9 to a dependent claim. Accordingly, the Applicant interprets the Examiner's statement as an indication that Claim 9 is allowable over the prior art of record subject to resolution of the rejection under Section 112.

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CONCLUSION

In view of the foregoing amendments and remarks, it is believed that the claims pending in this application are in condition for allowance. The Applicant respectfully requests that the Examiner reconsider the rejection of the application in the light of the foregoing amendments and remarks.

Respectfully submitted,

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Attachment: Claims worksheet (PTO-2022)

**MULTIPLE DEPENDENT CLAIM
FEE CALCULATION SHEET**
(FOR USE WITH FORM PTO-875)

SERIAL NO.

10/582551

FILING DATE

APPLICANT(S)

CLAIMS

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